

Minutes

Board Meeting West Virginia Board of Barbers and Cosmetologists Winfield, WV 12:00 p.m.

April 29, 2012

Members Present:

Michael Belcher
Justina Gabbert
Sarah Hamrick
Susan Poveromo
James (Jim) Ryan

Others Present:

Adam L. Higginbotham
Amanda D. Smith
Charlie Persinger
D.L. Hamilton
(See Attached Sign-In Sheet)

The meeting was called to order by Sarah Hamrick, Chairman of the State Board of Barbers and Cosmetologists at 12:01 p.m. on Sunday, April 29, 2012 at the Hampton Inn, Winfield, WV. Roll call was taken.

The first item on the agenda was the approval of the February 26 and March 23, 2012 minutes. The Chair entertained a motion to approve the minutes as presented. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

The next item on the agenda was PCARD purchases for February 2012 to April 2012. The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented the PCARD purchases from February 2012 to April 2012. The Chair entertained a motion to approve the PCARD purchases as presented. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

The next item on the agenda was Financials FY 2012 July-March) (Exhibit A). The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented a financial review from July 2011 to March 2012. The Chair entertained a motion to approve the financials as presented. On motion duly made by Michael Belcher and seconded by Jim Ryan the motion carried.

The next item on the agenda was Board Policy on Fines ("X" number of years of paying on time to get warning if license renewed within 5 days). – The Chair entertained a motion to not issue a monetary fine for the first offense (2.2 & 2.4) for business or personal license if they have had a clean record for 5 years. On motion duly made by Jim Ryan and seconded by Justina Gabbert the motion carried.

The next item on the agenda was Upcoming Changes:

The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham discussed the following upcoming changes:

- * Booth and Shop licenses will be available to renew and print online via our website.
- * We will be creating a video to put on website on how to fill out a first time license application.
- * Shampoo assistant will go into effect May 1, 2012.
- * Newsletter will be sent out with all shop and booth renewals.

The next item on the agenda was the Inspection Process with Phone:

Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists discussed the new inspection process that will be done on the inspector's cell phone (Galaxy Note). Inspection reports will be done on the new phone and uploaded to our website, viewable to general public immediately. Violation notices will still be on paper. We are working on getting an app on the phone to save the inspection on the app when they are in a rural area and no cell service they can still use the phone for the inspection.

The next item on the agenda was Appeal of Fines. The Chair recognized Charlie Persinger with the State Board office. Charlie Persinger presented the following Appeal of Fines.

A-0322- 2.64 – 1st offense to individual – failing to renew booth rental – The chair entertained a motion to UPHOLD the fine. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.

A-0323-2.64 – 1st offense to shop – failing to renew booth rental – The chair entertained a motion to UPHOLD the fine. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

A-0334-2.3 – 1st offense – employee practicing with an expired work permit- The chair entertained a motion to UPHOLD the fine. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

A-0335-2.3 – 1st offense – employee practicing with an expired work permit – The chair entertained a motion to UPHOLD the fine. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

A-0385- 2.64 – 1st offense – failure to renew booth – The chair entertained a motion to DISMISS the fine due to accounting history shows it was paid at the time the fine was issued. On motion duly made by Jim Ryan and seconded by Michael Belcher the motion carried.

A-0392- 2.9 – 1st offense – performing services where an individual or shop is not licensed – The chair entertained a motion to UPHOLD the fine. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

B-0539- 2.40 – 3rd offense – failure to throw away disposable implement after using it on a client – The chair entertained a motion to UPHOLD the fine. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

B-0540- 2.46 – 3rd offense – failure to keep drawers for only clean implements – The chair entertained a motion to UPHOLD the fine. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

B-0543- 2.2 – 2nd offense – expired personal license (scheduled to appear/no show) – The chair entertained a motion to UPHOLD the fine. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

C-0382- 2.10 – 1st offense- using a license belonging to someone else – The chair entertained a motion to UPHOLD the fine. On motion duly made by Michael Belcher and seconded by Jim Ryan the motion carried.

C-0477- 2.5 – 1st offense – unlicensed shop without first filing the paperwork- The chair entertained a motion to UPHOLD the fine. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

Adam Higginbotham requested to table the last 3 fine appeals to Executive Session:

E-0299

E-0300

E-0302

The next item on the agenda was Board Policy Book: table to Executive Session

The Board opened the floor to the public:

Kathy from the Huntington School wants more information on the new curriculum changes - she is opposed to the new changes. The Board explained the new curriculum for her.

Gene Nelson had questions in reference to the new curriculum. He wanted to know why coloring the hair was removed from the Barber curriculum. Why are we doing away with tradition? The Board explained the new Barber curriculum for him.

The Chair entertained a motion to go into Executive Session after a short break. On motion duly made by Jim Ryan and seconded by Michael Belcher the motion carried.

The Chair entertained a motion to reconvene into Regular Session. The following decisions were made in matters discussed in Executive Session:

- I. Ivy Ha Application – Can she attend school after submitting false records? The chair entertained a motion that she may not attend any school in West Virginia. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

- II. Leave of absence for students – This issue was voted on at the last board meeting with the result to have the schools send in the student permits for those students that have missed 90 days or more. We received a letter from Charleston Beauty School to see if the board will change this rule from 90 days to 180 days. Board made no changes; it will remain at 90 days.

- III. Barber Apprenticeship Rule Review and Submission as Legislative and Emergency Rule (Series XIII) – The chair entertained a motion to approve the rule for submission as presented to the Secretary of State’s Office and allow Executive Director, Adam L. Higginbotham, to file an emergency rule with the Secretary of State. On motion duly made by Jim Ryan and seconded by Michael Belcher the motion carried.

- IV. Hair Stylist/Service Review and Rule Submission as Legislative and Emergency Rule (Series I) – The chair entertained a motion to approve the rule for submission as presented to the Secretary of State’s Office. On motion duly made by Jim Ryan and seconded by Justina Gabbert the motion carried.

- V. School Inspections in Accordance with Laws and Rules – The chair entertained a motion to give Amanda Smith the authority/title of Records Inspector. If the school denies supplying the student records requested, we will issue them a violation for failure to allow an inspection. We will not do the physical inspection if the record inspection is denied. The chair also entertained a motion to approve to mail the school a different report than currently using with our findings after the inspection. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

The chair entertained a motion to give the Executive Director, Adam L. Higginbotham, authorization to assign personnel to enforcement matters and report any major changes in assignments or procedures to the Board at its next regularly scheduled meeting. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

- VI. Software and Violations – The chair entertained a motion that if a shop is getting inspected and they have not renewed their shop license, we will waive the fine if they can produce a printed shop license before the end of inspection. This will be put into policies and procedures as well. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.

- VII. Diem T Luong Application for licensure – The chair entertained a motion to deny his application due to documentation not able to be verified as legitimate. Diem T. Luong needs to supply further verification of High School Diploma/ GED. On motion duly made by Jim Ryan and seconded by Justina Gabbert the motion carried.

On motion duly made by Justina Gabbert and seconded by Michael Belcher the following decisions were made in reference to matters discussed in Executive Session:

- a. C2011-45 - Sanitation issue has been resolved but she still owes fines. Do not renew shop license until fines are paid.
- b. C2012-54 - Issue has been resolved. They were issued a violation notice.
- c. C2012-55 - Dismiss this complaint due to we are unable to make a determination of probable cause. The circumstances surrounding the complaint are not known for example: condition of hair, appears to have been taken care of at the salon level. (Adam will send a letter)
- d. C2012-56 – 4 complaints: waxing without a license, legality of license of owner, accusations that they bought hours of schooling to obtain a license and child labor. Dismiss this complaint. No items in complaint were substantiated. Inspector did find an unlicensed worker when he went to investigate this complaint and a fine was issued.
- e. C2012-59 - Continue to monitor. Direct staff to request counsel to take legal action if problem persists.
 1. E-0299- The chair entertained a motion to dismiss the fine.
 2. E-0300- The chair entertained a motion to dismiss the fine.
 3. E-0302- The chair entertained a motion to uphold the fine.
- f. C2012-61 - Continue to monitor. Adam will send a letter warning that she must maintain in control of her license or face disciplinary action.
- g. C2012-63 - Issue a 2.9 violation.

New Policies: The chair entertained a motion to put a policy in place that would make it standard procedure to call the state police and ICE when an inspector finds an unlicensed worker. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

The chair entertained a motion to increase the salary of David Scarpelli \$3,000.00 due to additional responsibilities, such as website videos and sole inspector of schools. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried.

The chair entertained a motion to direct staff to send a sympathy card to Jack McClung in regards to his wife passing. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.

The Chair entertained a motion to adjourn. On motion duly made by Jim Ryan and seconded by Justina Gabbert the motion carried.

Approved By: _____

Date: _____

Drafted by Amanda D. Smith

REVISED 06/22/2012